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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1625

Re: U.S. Utility Patent Application
Application No. 10/816,893; Filed: April 5, 2004
For: **Substituted N'-(Arylcarbonyl)-Benzhydrazides, N'-(Arylcarbonyl)-Benzylidene-hydrazides and Analogs as Activators of Caspases and Inducers of Apoptosis and the Use Thereof**
Inventors: Cai *et al.*
Our Ref: 1735.0560002/RWE/RAS

Sir:

Transmitted herewith for appropriate action are the following documents:


1. Reply to Restriction Requirement; and
2. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Robert A. Schwartzman, Ph.D.
Agent for Applicants
Registration No. 50,211

RWE/RAS/law
Enclosures
369898v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cai *et al.*

Appl. No.: 10/816,893

Filed: April 5, 2004

For: **Substituted N'-(Arylcarbonyl)-
Benzhydrazides, N'-(Arylcarbonyl)-
Benzylidene-hydrazides and Analogs as
Activators of Caspases and Inducers of
Apoptosis and the Use Thereof**

Confirmation No.: 3966

Art Unit: 1625

Examiner: Morris, Patricia L.

Atty. Docket: 1735.0560002/RWE/RAS

Reply to Requirement For Restriction and Election of Species

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Restriction Requirement dated February 17, 2005, Applicants hereby provisionally elect Group I, represented by Claims 1-6, 8, 11 and 12, drawn to compounds, classified in classes 540, 544 and 546. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

In reply to the Requirement for Election of Species, Applicants hereby provisionally elect N'-(2-phenoxy pyridine-3-carbonyl)-2-hydroxybenzhydrazide (Example 8).

This election is made **with traverse**. Applicants respectfully assert that there would be no serious burden on the Examiner to examine the claims of Groups I and II together as a search for art related to the compounds of Group I would necessarily identify all of the art related to the same compounds in a composition with other agents as claimed in Group II.

Reconsideration and withdrawal of the Requirement for Restriction and Election of Species, and consideration and allowance of all pending claims, are respectfully requested.


Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a).

Applicants point out that the method claims of non-elected Group III (claims 15-17, 37-40, 42, 47-49, 55, 56, 59-61, 69, 70, and 74-79) are of the same scope as the elected product claims of Group I (claims 1-6, 8, 11, and 12). Accordingly, Applicants assert that method claims 15-17, 37-40, 42, 47-49, 55, 56, 59-61, 69, 70, and 74-79 should be rejoined with claims 1-6, 8, 11, and 12 when the product claims are found allowable. *See*, M.P.E.P. § 821.04.

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Robert A. Schwartzman, Ph.D.
Agent for Applicants
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Date: March 3, 2005

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